

Appeal No. 2014-1253

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

BRIESE LICHTTECHNIK VERTRIEBS GMBH,
HANS-WERNER BRIESE,
Plaintiffs - Cross-Appellants,

v.

BRENT LANGTON, B2PRO, KEY LIGHTING, INC.,
SERGIO ORTIZ, and EDWARD C. SCHEWE,
Defendants - Appellants.

**On Appeal from the United States District Court
for the Southern District of New York
Case No. 09-CV-9790 (SC) (MHD),
Judge Samuel Conti**

**APPELLANTS' MOTION FOR EXTENSION OF TIME
FOR APPELLANTS TO FILE THEIR INITIAL BRIEF**

Pursuant to Federal Circuit Rule 26(b), Appellants B2Pro, Key Lighting, Inc., Brent Langton, Sergio Ortiz and Edward C. Schewe, respectfully move for a sixty (60) day extension of time to file their initial brief.

In support of this motion, Appellants state as follows:

1. The parties have conferred and Plaintiffs - Cross Appellants do not consent to this motion and indicated they oppose this motion.
2. Further, as set forth below and in the supporting Declaration of Edward C. Schewe, this motion is based on good cause.

3. Appellants request a sixty (60) day extension of this deadline to file their initial brief, to July 22, 2014.

4. This is Appellants' second extension request for the due date for their brief. Appellants' initial brief is currently due May 23, 2014. A previous 60-day extension was sought and granted on March 3, 2014 for the due date for Appellants' initial brief.

5. Appellants seek this second extension of time due to the number of issues to be briefed for the appeal. The trial court docket extends from as early as 2009 to January 2014 and the jury trial record is substantial including approximately six days of trial testimony. The undersigned is the sole counsel for the Appellants and the sole counsel drafting Appellants' brief and assembling the Appendix. Counsel for Appellants is working alone on this appeal. Counsel needs this additional time to finish preparing the brief on the remaining issues to be briefed, including patent invalidity and inequitable conduct and sanctions issues and needs this time to finish assembling the documents for the Appendix.

6. This extension is not for purposes of delay because the appeal brief and Appendix have required and still do require counsel's substantial time and attention given the number of issues and the large docket in the trial court. Granting this extension will give the undersigned the additional time needed to finish preparing the brief and the Appendix and also handle the day to day obligations that arise in counsel's practice.

7. This motion is being filed more than seven (7) calendar days before the due date for the brief. *See* Fed. Cir. R. 26(b)(1).

For the foregoing reasons, Appellants respectfully request that the Court extend the due date for Appellants' initial brief by sixty (60) days, until July 22, 2014.

Dated: May 15, 2014

Respectfully submitted,

/s/Edward C. Schewe
Edward C. Schewe
SCHEWE & ASSOCIATES

*Counsel for Appellants, Key Lighting Inc., B2Pro,
Brent Langton, Sergio Ortiz and Edward C. Schewe*

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Defendants - Appellants.

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Judge Samuel Conti**

**DECLARATION OF EDWARD C. SCHEWE IN SUPPORT OF APPELLANTS'
MOTION FOR AN EXTENSION OF TIME FOR APPELLANTS TO FILE THEIR
INITIAL BRIEF**

I, Edward C. Schewe, declare as follows:

1. I am an attorney in the firm of Schewe & Associates and counsel for the Appellants in the above-captioned appeal. I provide this declaration upon personal knowledge and, if called as a witness, would testify competently as the matters recited herein.
2. I submit this declaration in support of Appellants' motion to extend the due date for Appellants' initial brief by an additional sixty (60) days, until July 22, 2014.

3. This is Appellants' second extension request for the due date for their brief. Appellants' initial brief is currently due May 23, 2014. A previous 60-day extension was sought and granted on March 3, 2014 for the due date for Appellants' initial brief.

4. Appellants seek this second extension of time due to the complex nature of the patent issues and the number of the issues to be briefed on appeal. The trial court docket extends from as early as 2009 to January 2014 and the jury trial record is substantial including approximately six days of trial testimony. The undersigned is the sole counsel for the Appellants and the sole counsel drafting Appellants' brief and assembling the Appendix. Counsel for Appellants is working alone on this appeal. Counsel needs this additional time to finish preparing the brief on the remaining issues to be briefed, including patent invalidity and inequitable conduct and sanctions issues and needs this time to finish assembling the documents for the Appendix.

5. This extension is not for purposes of delay because the appeal brief and Appendix have required and still do require counsel's substantial time and attention given the number of issues and large docket in the trial court. Granting this extension will give the undersigned the additional time needed to finish preparing the brief and the Appendix and also handle the day to day obligations that arise in counsel's practice.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: May 15, 2014

/s/Edward C. Schewe

Edward C. Schewe

Schewe & Associates

1600 Rosecrans Avenue, Fourth Floor

Manhattan Beach, CA 90266

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CERTIFICATE OF INTEREST

Counsel for the Appellants, B2Pro, Key Lighting, Inc., Brent Langton, Sergio Ortiz and Edward C. Schewe, certifies the following:

- 1. The full name of every party or amicus represented by me is:**
B2Pro, Key Lighting, Inc., Brent Langton, Sergio Ortiz and Edward C. Schewe.
- 2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:** None
- 3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:** None
- 4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:**

Schewe & Associates: Edward C. Schewe

Tiajolloff & Kelly LLP: Edward P. Kelly

Dated: May 15, 2014

Respectfully submitted,

/s/Edward C. Schewe
Edward C. Schewe

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*Counsel for Appellants, Key Lighting Inc., B2Pro,
Brent Langton, Sergio Ortiz and Edward C. Schewe*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 15, 2014 the foregoing APPELLANTS' MOTION FOR EXTENSION OF TIME FOR APPELLANTS TO FILE THEIR INITIAL BRIEF was electronically filed with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit via the appellate CM/ECF system and served or caused to be served a copy on all counsel of record by the CM/ECF system.

/s/Edward C. Schewe
Edward C. Schewe

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*Counsel for Appellants, Key Lighting Inc., B2Pro,
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